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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,992	03/02/2004	Sang Woon Suh	1740-000038/US	9678

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EXAMINER
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PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/789,992

Applicant(s)

SUH ET AL.

Examiner

Aristotelis M. Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Korea on 7/2/02 and 9/10/02. It is noted, however, that applicant has not filed certified copies of these application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

### ***Claim Objections***

1. Claims 3,4,10-12; 14,17-19; 21, 25, 26; 28,31-33; 35-40 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The following analysis is made:

With respect to claims 3,4,10-12;

These depend upon claim 1, which is a product claim. These claims fail to further limit the product.

A1: Claims 3 and 4 define what the physical mark is to define, not further product limitations.

A2: Claim 10 attempts to introduce a servo function – this fails to further limit the product.

A3: Claims 11 and 12 – introduces undefined acronyms, e.g. BR-ROM, BD-R.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2,4,5,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29, 30, 31,34,35,36, 37 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by either Timmermans et al or Ozaki et al.

Timmermans et al disclose in figure 1, a wobble pit pattern – see the description of element(s) 3.

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The examiner interprets the information area to exist, as well as that of a lead-in and out area as well.

Furthermore, the reference is interpreted to depict the physical mark information following the lead-out area.

Ozaki et al disclose in his figure 1a, irregular pits –which is interpreted as the claimed wobble pit pattern – i.e., the physical mark information. The remaining claimed areas are inherently preset.

These irregular pits are in one of the claimed designated areas.

With respect to claim 2, such is not a writable area in either record.

With respect to claims 4,14,21,28 and 35, that is the intended use of the above references.

With respect to claims 5,15,22,29 and 36, these pits are interpreted as m/s with respect to a hf modulated groove.

With respect to claims 6,16,23,30 and 37, they are so aligned.

With respect to claim 7, such a limitation is disclosed in either system.

With respect to claim 8, such is present.

With respect to claim 9, such is disclosed.

With respect to claims 10, 17,24,31 and 38, these pits are detected in the servo stage.

With respect to claim 13, the disc is present in either of the base references, hence the method of forming as recited is met.

With respect to claim 20, information is reproduced in either system, and hence the limitation of this claim is met.

With respect to claim 27, the method limitations as recited are met.

With respect to claim 34, the apparatus limitation is met.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 3,11-12,18,19, 25,26,32,33,39 and 40 are rejected under 35 U.S.C. 103 as being obvious over the art as relied upon above with respect to claim 1 and further considered with either Kuroda et al or Muramatsu et al.

Kuroda et al discusses the rom, and write once type disc formats as well as information indicative of medium type.

Alternatively, Muramatsu et al also discloses such – see col. 1 lines 14-68.

It would have been obvious to modify the base system of either Timmermans et al or Ozaki et al with the above additional teaching from either Kuroda et al or Muramatsu et al so as to increase the media types the base references are applicable to, i.e., increase of marketed optical discs.

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**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oshima et al & Sako et al teach alternative prior art copy prevent/control discs in this environment.

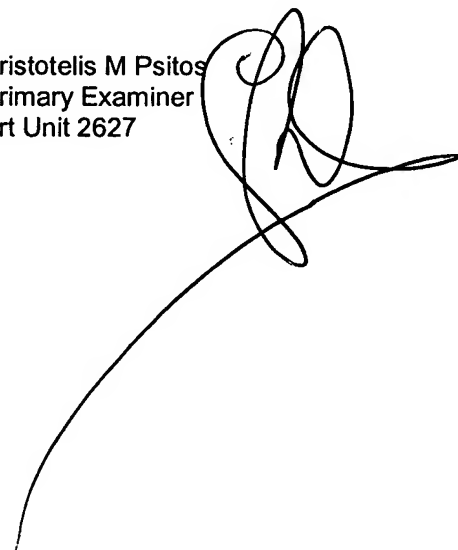
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos  
Primary Examiner  
Art Unit 2627

amp

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.